



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:

Larry S. MILLSTEIN

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SEP 12 2001

TECH CENTER 1600/2900

Serial No.: 09/529,588

Examiner: Prasthofer

Filed: April 17, 2000

Group Art Unit: 1627

For: **METHOD FOR PRODUCING ARRAYS AND DEVICES RELATING
THERE TO**

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

SIR:

In response to the Office Action mailed July 2, 2001, and the restriction and election of species requirements therein, applicants hereby elect as follows.

In response to the restriction requirement, applicants elect Group I, claims 48-79, drawn to a method of making replicate arrays. The election is made with traverse for the reasons set forth below. Applicants reserve the right to file one or more divisional applications directed to the non-elected subject matter. The restriction requirement is traversed on the grounds that the examination of the groups of invention indicated in the Office Action together would not amount to a serious burden upon the PTO. In the absence of a serious burden of examination, restriction is not proper. See M.P.E.P. §803. Thus, the requirement should be withdrawn.

In response to the Election of Species requirement, applicants elect the following species for aspects A) - E) recited in the Office Action:

- A. Nucleic acid array members,
- B. Hollow tube structural members,
- C. Positional information embedded in wafer,
- D. Disposition of array member on the inside surface of the lumen, and

E. Polynucleotide analyte binding reagent.

In connection with the Election of Species, the Examiner is encouraged to examine the broadest possible scope of invention indicated by the elected species. In accordance with M.P.E.P. §803.02, the Examiner is reminded that, should no prior art be found which renders the invention of the elected species unpatentable, the search of the remainder of the generic claim(s) should be continued in the same application. It is improper for the PTO to refuse to examine in one application the entire scope of the claims therein unless they lack unity of invention. The generic claims herein have not been alleged to lack unity of invention.

Favorable action is earnestly solicited.

Respectfully submitted,

By: 
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